

Ordell Elizabeth Moon
1905 Bristol St.
Petaluma, CA 94954

Case No. 23-cv-04521-PCP

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RE: ORDELL ELIZABETH MOON

Case No. 23-cv-04521-PCP

Appellant,

v.

CITIBANK, N.A., DEUTSCHE
BANK NATIONAL TRUST
COMPANY

Appellees.

/

NOTICE OF MOTION AND MOTION FOR ENTRY OF DEFAULT

COMES now Appellant, Ordell Elizabeth Moon through her Authorized Representative (**AR**) Don Shannon to serve notice upon the court and any parties of interest that Appellant hereby motions the court for entry of default as follows:

Appellant, Ordell Elizabeth Moon through her **AR** request(s) that the clerk of court enter default against Appellee, CITIBANK N.A. pursuant to the principle and spirit of FRCP 55(a) and/or FRBP 8018(a)(4) in this appellate proceeding. In support of this request plaintiff(s) relies (rely) upon the record in this case, the time frame set out in court order schedule of 30 days after opening brief is filed and the affidavit submitted herein.

Dated this 11th day of December, 2023. _____

Don Shannon, **AR** of Appellant

**AFFIDAVIT IN SUPPORT OF
NOTICE OF MOTION AND MOTION FOR ENTRY OF DEFAULT**

I, Don Shannon, being duly affirmed, state as follows:

1. I am the Authorized Representative for the Appellant in the above-numbered action and I am familiar with the file, records and pleadings in this matter.
2. The Notice of Appeal, Record on Appeal and Opening Brief were filed of record in this appeal as reflected in the registry of action on the court docket.
3. Appellee CITIBANK N.A. was served with a copy of the Opening Brief on October 24, 2023 as reflected on the docket sheet by the proof of service filed on October 24, 2023.
4. Said Appellee was required to file a Responsive Brief to the Opening Brief on or before the date of November 23, 2023.
5. Said Appellee has failed to file its Responsive Brief within the time frame set by the court, or otherwise defend within the time allowed and, therefore, is now in technical default.
6. Appellant requests that the clerk of court enter default or other appropriate action against CITIBANK N.A. failure to timely file a Responsive Brief.



Don Shannon, **AR** for Appellant

Ordell Elizabeth Moon
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Petaluma, CA 94954

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v.

CITIBANK, N.A., DEUTSCHE
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Appellees.

ENTRY OF DEFAULT

Appellant, Ordell Elizabeth Moon, through her Authorized Representative, Don Shannon requests that the clerk of court enter default against Appellee CITIBANK, N.A. pursuant to the principle and spirit of FRCP 55(a) and/or FRBP 8018(a)(4). It appears from the record that Appellee, CITIBANK, N.A. has failed to timely file a Responsive Brief to Appellant's Opening Brief as set out by the court or otherwise defend, the default of Appellee, CITIBANK, N.A. is hereby entered pursuant to FRCP 55(a) and/or FRBP 8018(a)(4).

Dated this _____ day of _____, 2023.

, Clerk of Court

Ordell Elizabeth Moon
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Petaluma, CA 94954

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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RE: ORDELL ELIZABETH MOON

Case No. 23-cv-04521-PCP

Appellant,

Declaration of Service

v.

CITIBANK, N.A., DEUTSCHE
BANK NATIONAL TRUST
COMPANY

Appellees.

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I, declare as follows:

I am over the age of eighteen years old and not a party to the within action.

On December 11th, A.D. 2023 I served by U.S. Mail a true copy of **NOTICE OF MOTION AND MOTION FOR ENTRY OF DEFAULT, AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION AND MOTION FOR ENTRY OF DEFAULT, PROPOSED ENTRY OF DEFAULT of CITIBANK N.A.** in the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE, CALIFORNIA to:

Malcolm Cisneros, A Law Corp.
Attn: Nathan F. Smith, counsel for CITIBANK N.A.
2112 Business Center Drive, 2nd Floor,
Irvine, California 92612

And that I served the same by depositing in an envelope a copy of the above stated documents, sealed the same and paid the required postage for mailing which was sent to the address herein which has service for U.S. Mail available.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: December 11, 2023

By

